

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TOMMY HALL, #228329

Plaintiff,

CIVIL ACTION NO. 09-10933

v.

DISTRICT JUDGE DAVID M. LAWSON

DR. RAWAL,

MAGISTRATE JUDGE MARK A. RANDON,

Defendant.

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**REPORT AND RECOMMENDATION TO DISMISS DEFENDANT DR. RAWAL**

On March 12, 2009, Plaintiff filed a *pro se* Complaint under 42 U.S.C. § 1983 against several prison healthcare officials and two corporate medical service providers. (Dkt. No. 1). On May 17, 2010, Plaintiff, represented by counsel, filed an Amended Complaint. (Dkt. No. 52; Ex. 1). Plaintiff filed a Second Amended Complaint on January 25, 2011. (Dkt. No. 64). All Defendants were dismissed from the case, except Dr. Rawal.

Plaintiff's Second Amended Complaint does not list Dr. Rawal in the "Parties" section nor is Dr. Rawal listed as a Defendant in any of Plaintiff's causes of action. (Dkt. No. 64 at 3-4, 10, 12, 17, 21, 23). Indeed, Dr. Rawal's name is only mentioned twice in the Second Amended Complaint: (1) "[o]n April 27, 2000, during a previous incarceration, Plaintiff received surgery to relieve nerve tension by MDOC neurosurgeon Dr. Rawal"; and (2) "Plaintiff requested to see the neurosurgeon, Dr. Rawal, but he did not see him until 12/12/08, 4 months after the initial request." (Dkt. No. 64 at ¶¶ 12, 22).

This Magistrate Judge finds Plaintiff abandoned his claims against Dr. Rawal, and it is **RECOMMENDED** that Dr. Rawal be **DISMISSED**.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The filing of objections which raise some issues, but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *See Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length unless, by motion and order, the page limit is extended by the court. The response shall address each issue contained within the objections specifically and in the same order raised.

s/Mark A. Randon

Mark A. Randon

United States Magistrate Judge

Dated: August 29, 2012

*Certificate of Service*

*I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, August 29, 2012, by electronic and/or ordinary mail.*

*s/Melody R. Miles*

*Case Manager to Magistrate Judge Mark A. Randon*